IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1428 of 2005

Between:

Nimmagadda Durga Rao, s/o N.Subba Rao,
Area Hospital, r/o D.No.7-45, Near Krishna Rao Rice Mill,
Chintalpudi, West Godavari District.

..... PETITIONER

AND

1 The Principal Secretary, Medical and Family Welfare (CI) Department, Secretariat Buildings, Hyderabad.
2 The Commissioner, AP Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 The District Coordinator of Hospital Services District Hospital, Eluru, West

Godavari District.
4 The Medical Superintendent, Govt. Hospital, Chintalpudi, West Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS" and declare the action of the respondents in not paying the enhanced diet charges as per the G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department dt.20-06-2003, is as illegal, arbitrary and against the law laid down by Divisional bench of this Hon'ble Court in W.A.No.280 of 2000 and batch, and consequently direct the respondents to pay the enhanced diet charges as per G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department dt.20-06-2003 w.e.f. from 20-06-2003.

Counsel for the Petitioner: MR.D.VIJAY

Counsel for the Respondent Nos.1, 3 and 4: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.2: MR.K.L.N.SWAMY

The Court made the following:

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in not paying the enhanced diet charges as per the G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department, dated 20.06.2003 is arbitrary and illegal.

When the matter is taken up for consideration, the learned counsel for the petitioners submits that W.P.No.16179 of 2004 with an identical prayer has been disposed of by this Court on 10.09.2004 following the decision of a Division Bench of this Court in W.A.No.280 of 2000 and batch and the respondents were directed to implement the G.O.Ms.No.255, dated 20.06.2003, if it is in force and to pay the enhanced rates to the petitioners therein within a period of two weeks from date of receipt of that order.

The learned Standing Counsel for the second respondent, Mr.K.L.N.Swamy, does not dispute the same.

In the circumstances, the writ petition is disposed of with a direction to the second respondent to implement the G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department, dated 20.06.2003 by extending the benefit of enhanced charges of diet from the date of G.O.Ms.No.255, dated 20.06.2003, in case the petitioner fulfills all the conditions specified thereunder and to pay the enhanced rates within two months from the date of receipt of this order, if necessary by addressing the Government for release of necessary funds. No costs.

02.02.2005

Note: Furnish CC by 07.02.2005

(b/o)

VGB

To

1 The Principal Secretary, Medical and Family Welfare (CI) Department, Secretariat Buildings, Hyderabad.
2 The Commissioner, AP Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 The District Coordinator of Hospital Services District Hospital, Eluru, West

Godavari District.
4 The Medical Superintendent, Govt. Hospital, Chintalpudi, West Godavari

District.

5 2CCs to the G.P. for Medical, Health and Family Welfare, High Court

Buildings, Hyderabad. (OUT)

6 2CD copies.